

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

Master File No. 01-12257-PBS

Subcategory No. 06-11337-PBS  
Civil Action No. 08-cv-10852

THIS DOCUMENT RELATES TO:

*United States of America ex rel. Ven-A-Care of  
the Florida Keys, Inc., by and through its principal  
officers and directors, Zachary T. Bentley and  
T. Mark Jones v. Actavis Mid Atlantic LLC, et al.*

Judge Patti B. Saris

Magistrate Judge Marianne B. Bowler

**NOTICE OF WITHDRAWAL OF  
DEFENDANTS' MOTION TO COMPEL NON-PARTY FIRST DATABANK, INC. TO  
PRODUCE DEPOSITION TESTIMONY PURSUANT TO A RULE 45 SUBPOENA**

PLEASE TAKE NOTICE that defendants Actavis MidAtlantic LLC, Alpharma USPD Inc. f/k/a Barre National Inc., and Barre Parent Corp. (collectively "Actavis MidAtlantic"); Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. (collectively "Par"); Sandoz Inc. f/k/a Geneva Pharmaceuticals Inc. ("Sandoz"); and Watson Pharmaceuticals, Inc. and Watson Pharma, Inc. f/k/a Schein Pharmaceutical, Inc. (collectively, "Watson") (together, the "Defendants") respectfully notify the Court that they hereby withdraw their motion to compel directed to non-party First DataBank, Inc., filed on May 20, 2011 (Dkt. No. 172). Defendants reserve their right to renew the motion should it become necessary to do so.

Dated: June 15, 2011

Respectfully submitted on behalf of all Defendants

By: /s/ Heather K. McDevitt  
Heather K. McDevitt (*pro hac vice*)  
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*Attorneys for Defendant Sandoz Inc.*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing NOTICE OF WITHDRAWAL OF DEFENDANTS' MOTION TO COMPEL NON-PARTY FIRST DATABANK, INC. TO PRODUCE DEPOSITION TESTIMONY PURSUANT TO A RULE 45 SUBPOENA was delivered to all counsel of record and to counsel of the United States by electronic service in accordance with Paragraph 11 of the Case Management Order No. 2, by sending on June 15, 2011, a copy to Lexis-Nexis for posting and notification to all parties.

/s/ Daniel Cohen  
Daniel Cohen